

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE**

DAVID JONATHAN TULIS,)	
)	
Plaintiff,)	CASE NO. 3:2022cv00911
v.)	
)	
WILLIAM ORANGE, CITY OF FRANKLIN,)	
TN, ATRIUM HOSPITALITY, JOHN R.)	JURY TRIAL DEMANDED
CRAWFORD, ROGER A. PAGE, and JOHN,)	
JANE DOE Nos. 1, 2, etc.)	
)	
Defendants.)	

DEFENDANT ATRIUM HOSPITALITY LP'S
MOTION TO DISMISS

COMES NOW, Defendant, Atrium Hospitality LP (hereinafter “Defendant” or “Atrium”), incorrectly entitled “Atrium Hospitality” in the Complaint, by and through counsel, by and through counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and moves the Court to dismiss Plaintiff’s claims against it as Plaintiff cannot prove his claims on their face; his claims are not supported by factual allegations that can push them “across the line from conceivable to plausible” *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007); fails to state a claim upon which relief may be granted; and, the claims are time-barred by the applicable statutes of limitations. In support of this motion, Defendant contemporaneously files its Memorandum of Law in Support.

Wherefore, premises considered, Defendant prays:

1. That the Court find that Plaintiff has failed to state a claim for which relief can be granted;
2. That the Plaintiff’s claims be dismissed with prejudice;
3. That the Court award attorneys’ fees and tax all costs to the Defendant.

Respectfully Submitted,

/s/ Jamie K. Durrett

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was submitted to the Court's CM/ECF system. An original copy was also sent via U.S. Mail to the following:

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Respectfully submitted on this 3rd day of January, 2023.

/s/ Jamie K. Durrett

Jamie K. Durrett